

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC

Plaintiff

vs.

TEXAS INSTRUMENTS, INC.,

Defendant.

BLUE SPIKE, LLC

Plaintiff

VS.

**L-1 IDENTITY SOLUTIONS, INC. and
MORPHOTRUST USA, INC.,**

Defendants.

DECLARATION OF DR. MOHAMED LAZZOUNI IN SUPPORT OF DEFENDANTS'
MOTION TO TRANSFER

I, Dr. Mohamed Lazzouni, do hereby declare and state as follows:

1. I submit this Declaration in support of the Motion to Transfer filed by Defendants L-1 Identity Solutions, Inc. (“L-1”) and MorphoTrust USA, Inc. (“MorphoTrust”) (collectively, “Defendants”). I reviewed the Complaint filed against MorphoTrust in this matter and understand that Plaintiff Blue Spike LLC alleges infringement by MorphoTrust of four U.S. patents by making, using, importing, selling and/or offering to sell fingerprint-based biometric

software systems (“Accused Products”). I have personal knowledge of the facts set forth in this Declaration, except as otherwise stated. I am competent to testify as to all matters stated, and if called upon to do so, I would testify to the facts set forth in this Declaration.

2. I am the Chief Technical Officer of Defendant MorphoTrust.

3. MorphoTrust is a Delaware corporation, headquartered at 296 Concord Road, Billerica, Massachusetts, 01821.

4. MorphoTrust sells licenses to its BioEngine, FaceIt, and FaceIt QA SDKS software development kits to federal, state, and local governments, and it also makes commercial sales.

5. MorphoTrust sells its TouchPrint SDK software development kits primarily to federal, state and local governments. MorphoTrust sells licenses to its Foundation SDK software development kits to federal, state, and local governments, and it also makes commercial sales. MorphoTrust sells its ABIS systems primarily to the federal government, including the United States Department of Defense and the United States Department of State. MorphoTrust sold its HIIDE system primarily to the United States Department of Defense. MorphoTrust sells its IBIS systems primarily to state and local governments.

6. No likely fact witnesses reside in the Eastern District of Texas or elsewhere in Texas. No source of proof with respect to MorphoTrust is located in this District. MorphoTrust has no company facilities within the State of Texas. MorphoTrust has only a small number of sales and field service technicians that work out of their homes in the State of Texas. MorphoTrust also has a small number of employees that work at a State of Texas owned or controlled facility in Austin, Texas in order to assist the State in the production of Texas driver’s licenses.

7. MorphoTrust's development/manufacturing facilities related to the Accused Products are principally located in Jersey City, New Jersey.


8. MorphoTrust's Jersey City, New Jersey offices have a total of 21 employees at the time of this Declaration, of which currently six are MorphoTrust's material fact witnesses concerning the research, design, development and manufacturing of the Accused Products. The majority of all foreseeable MorphoTrust witnesses with information about the Accused Products and the claims and defenses in this lawsuit reside in the District of New Jersey.

9. The vast majority of MorphoTrust's documents relating to MorphoTrust's design, development and manufacture of the Accused Products are located in MorphoTrust's Jersey City, New Jersey offices. The servers and technical infrastructure associated with the research, design, development and manufacture of the Accused Products are located in MorphoTrust's Jersey City, New Jersey offices, and the vast majority of MorphoTrust's electronically stored information relating to the research, design, development and manufacture of the Accused Products, located in MorphoTrust's Jersey City, New Jersey offices.

10. None of the equipment, documents, or electronically stored information relevant to the claims and defenses in this lawsuit is located in the Eastern District of Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 10 day of December, 2012, in Billerica, Massachusetts.


Dr. Mohamed Lazzouni, Chief Technical
Officer